FARMING AND OCCUPATIONAL HEALTH AND WORKERS' COMPENSATION IN ONTARIO

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Roger R. Rickwood, Ll.B.

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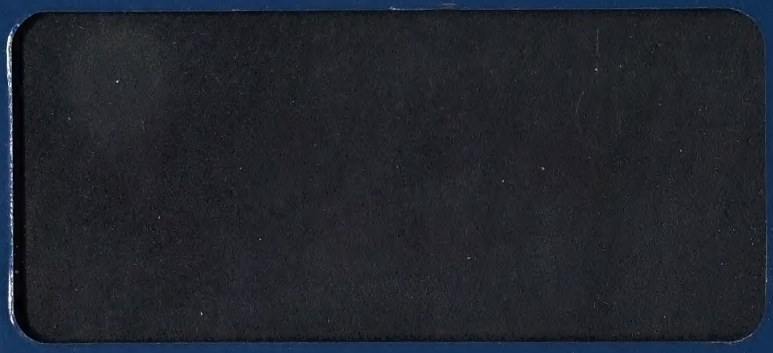

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December 1986

* The opinion's expressed herein are the author's alone

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I: INTRODUCTION (PURPOSE, SCOPE AND DEFINITIONS)

The purpose of this paper is to examine the extent to which people who work on Ontario farms (i.e. farmers, members of farm families and hired farm workers) are exposed to occupational health and safety (OHS) hazards and the measures that can be taken to improve protection. An examination is made of the adequacy of workers' compensation as a system of personal income security to handle farm-related accidents and illnesses, which unfortunately cannot be totally eliminated. Special attention is paid to hired farm workers who are not fully recognized as industrial workers and thus do not enjoy equal protection under existing labour laws. Where relevant, comparison is made with other jurisdictions. Reference to other jurisdictions is necessitated by the scarcity of reliable farm accident and illness data in Ontario.

The terms "farm" and "farming" have been defined in several ways. The definition under Regulation 951 of the Workers' Compensation Act R.S.O. 1980, c. 539, as am., is the narrowest and regards a farm merely as a location rather than a whole process:

> 1. In this Regulation,
>
> (a) "farm" means premises the whole or part of which are used for agricultural purposes and, without limiting the generality of the foregoing, includes premises used for:
>
> (i) the production of plants for the purpose of the sale of such plants, or any part thereof, and
>
> (ii) the production, including breeding, rearing or fattening of animals for the purpose of the sale of such animals, or any part thereof, or for the purpose of racing or exhibiting such animals.

Writers have stated that:

> ...a farm implies a process, an interaction, between man and the land; a process that involves using the land to grow something that will be of benefit to him, usually but not always food, that food either to be consumed directly or to be eaten by animals which in turn will be consumed[1].

The Ontario Task Force on Health and Safety in Agriculture (OTFHSA) uses the term "farm" as a geographically defined area on which an individual owner-farmer or corporate farm enterprise engages in agricultural activities to generate income but excludes both the farmer's house and farm employee quarters.[2] Further, "farming", according to the Task Force

> is the work of cultivating the soil, producing the crops and raising livestock carried on within the farm gate, and delivery...of these crops to a buyer or sales intermediary.[3]

This definition covers highway movement between parts of the farm; transportation of produce to processing plants and markets; trips to suppliers and maintenance depots, and attendance at farm-related meetings.

In this paper the term "farming" is used rather than the alternative "agriculture". The latter term has a wider meaning and can include activities not covered under present workers' compensation legislation, and has been defined internationally to mean:

> all forms of activities connected with the growing, harvesting, and primary processing of all types of crops, the breeding, raising and caring for animals and tending gardens and nurseries.[4],

1. J. and M. Ladell. Inheritance (Toronto:Dundurn,1986) p.xv.
2. Ontario Task Force on Health and Safety in Agriculture, Report (Toronto:1985), p.8. Cited as OTFHSA hereafter.
3. OTFHSA, p.8.
4. Carter, "Farming, Occupational Health and Pesticides" (1986), 7(1) Occupational Health and Safety, p.18.

and in Canada the term:

> ...has been restricted legally to exclude silviculture (the raising of trees) and occasionally, horticulture (the raising and sale of garden products).[5]

II: THE PAST AND PRESENT STRUCTURE OF ONTARIO FARMING

Ontario was once heavily agricultural. In 1901, some 45.8% of Ontario's population of 2 million lived on farms, while today only 4% of Ontario's population of 8.6 million live on farms. In 1901, there were 204,100 family farms, each averaging 105 acres. By 1981, the number of farms had declined to 82,448 but average size had increased to 181 acres.[6] However, farming is still a major industry. Ontario has the largest proportion of Canada's best agricultural land, just under 20% of the total and ranks second only behind Saskatchewan in cash receipts from farm products. Most farming is done in southern Ontario. The greatest crop produced is feed for cattle. Corn, mixed grain, winter wheat and barley for human consumption are also grown, as are fruits, vegetables and tobacco. There are also commercial hog, dairy and beef livestock farms and as of 1981 Ontario had the largest number in Canada. Only Quebec outranks Ontario in milk and dairy products and 1981 receipts in this category were $871.4 million. Ontario leads Canada in prosperous farms (those producing $100,000+ of products a year) but there was an equal number of marginal farms (those producing under $2,500). The 1981

5. Ibid. Also see Ontario Labour Relations Act R.S.O. 1980, as am., s.2 (b) and (c).

6. The Ontario Right to Farm Advisory Committee, Report (Toronto: Ministry of Agriculture, 1986), Appendix 2.
See also Canada Year Book 1985 (Ottawa, Supply and Services, 1985),c.9. and R. Bothwell, "Ontario" in The Canadian Encyclopedia (Edmonton, Hurtig, 1985), Vol II. p. 1319.
In the 1981 Statistics Canada Census of Agriculture a farm was defined as having 1980 agricultural sales of $250 or more.

Census found the province's lowest incomes in counties along Georgian Bay, Lake Huron and eastern Ontario.[7]

There have been increasing farm bankruptcies in recent years and many farmers formed "survival" groups to protest against the economic system which was imposing debt and high interest rates on them. Under such conditions, concern for farm safety is unlikely to be a priority and in fact stress caused by financial conditions could contribute to lower safety standards. Many farmers have found that to makes ends meet they have to engage in off-farm work. The 1981 Census reported 36.406 (or 44.2%) of Ontario's 82,448 farmers did some off-farm work. This practice has safety implications as farmers are working longer hours and carrying heavier than ordinary responsibilities.[8]

In Canada, 99% of farm businesses are family-operations[9] and Ontario appears the same. The total capital value of Ontario farms was $31.3 billion in 1981; the average capital value per farm was $379,700 and average cash receipts per farm were $59,733 per annum.[10] There is a trend to corporate farming whereby larger farms dedicated to one or two crops are being owned by companies and run by farm managers and hired workers.[11] Examples are York Farms (vegetables), Cutty (chickens) and McConnells (plants and seeds) in Ontario and McCain's (potatoes) in N.B.[12]

The number of hired hands employed on Ontario farms is difficult to determine. The writers of Inheritance would have us

7. Bothwell, supra, fn 6. at 1323; Canada Year Book 1985, pp.287-330, at p.327.
8. OTFHSA, p.21.
9. Joffriet, "Farm Law". in The Canadian Encyclopedia, vol I, (Edmonton, Hurtig,1985), p.616.
10. Farm Advisory Committee, Appendix 2.
11. Joffriet, supra, fn 9.
12. C. Giangrande, Down To Earth (Toronto:1985).pp.119ff.

believe that:

> today with the cost of hired help beyond the reach of many, it is only through the efforts of the family that the farm keeps going at all.[13]

Members of the farm family greatly assist the farm owner in maintaining the farm business. However, hired hands on a seasonal or year round basis are still an important component of the farm labour force. OTFHSA sets the number of hired farm workers at 54,000, making up 40% of the total farm labour force. In comparison, OTFHSA noted there were 62,000 farmers, with 17,000 of these being employers and 45,000 of these being farm operators without hired help. Farmers accounted for 45.5% of the farm labourforce. Unpaid family members supplied 14.5% of farm labour and averaged 19,600 workers annually. An analyis of farm labour inputs done for OTFHSA shows a downward trend in the number of both farm owners and unpaid family members engaged in farming but a gradual increase in the number of paid farm workers. The number of hired farm workers is however small in comparison with Ontario's total employment. OTFHSA reports farm labour provided just 3.3% of Ontario's labour force (135,600 out of 4,000.000) and only 1.4% of Ontario's paid workers were in farming.[14]

OTFHSA identified two classes of hired farmworkers:

(1) permanent employees who work full-time throughout the year

(2) those employed on a seasonal or peak work-load basis.

In 1980, 10,722 farmers employed full-time workers and 26,812 employed seasonal workers. The total number of weeks worked by full-time workers was 859,458 and the total number for seasonal workers was 861,720. As seasonal work is for short periods, it

13. Ladell, supra, fn.1 at p.xvii.
14. OTFHSA, p.18.

can be seen the seasonal workers comprise the larger group.[15]

In contrast to most other provinces, many of Ontario's farm workers are not Ontario residents. In certain crops, such as tobacco and tender fruit, farmers rely on migrant workers to do necessary jobs. Every year some 20,000 men, women and children migrate to Ontario as farm labour for the harvest season. The majority come from Quebec and the Maritimes but many are "offshore" temporary workers from the West Indies, Mexico and Europe, hired on special immigration work permits by government agents[16], or in Canada illegally.

III: DIMENSIONS OF THE HEALTH AND SAFETY PROBLEM IN FARMING

(1A) INCIDENCE OF OCCUPATIONAL INJURY AND ILLNESS IN FARMING

Since the start of commercial farming in Ontario, stories have been passed down of injuries and illnesses affecting farm people. For example, about 100 years ago, Donald Grant, a farmer in Glengarry County

> ... was squaring timbers for...(his houseroof) with a broad axe when he cut his leg. Gangrene set in and his left leg was amputated on the kitchen table. To this day there are hollows in the steps worn by his crutches.[17]

A further example from the 1930's is the story of how Thomas McMillan, a beef farmer and M.P. from Huron County, died after being crushed by a horse.

> My father... was home and he and a hired man were cutting the hoof of a young horse. It lunged and pinned him against a stall, rupturing his pancreas. He died the next day,

related his daughter, who was forced to take charge of the farm as

15. Ibid., p.22.
16. Ontario Farm Labour Information Committee, Migrant Workers & Their Families (Toronto: OFLIC, 1983); See also OTFHSA, p.23; Also personal correspondence with N.B. WCB, December 1986.
17. R. and M. Ladell, A Farm In The Family (Toronto: Dundurn, 1986).

the surviving member of her family.[18]

Unfortunately, time has not diminished the dangerous nature of farming as an occupation. In 1982, there were 141 deaths in Canadian agriculture or 32.76 deaths per 100,000 workers in the industry.[19] By comparison, construction had a slightly lower rate of 31.49.[20] The Ontario Advisory Committee on Occupational Health and Safety advises the farm injury rate continues to climb while injury rates are dropping in other industries.[21]

In Ontario alone, agriculture suffered 134 work fatalities between 1981 and 1984[22], and in 1985 there were 27 fatal accidents in Ontario.[23] One example is as follows:

> The victim was driving a tractor with a manure spreader attached, down a road. The victim started up a slight grade when the tractor stalled. The tractor rolled backwards down the grade. The victim lost control and the tractor and spreader went into the ditch causing the tractor to roll over backwads pinning the victim beneath. Cause of death was due to asphyxiation.[24]

For a summary of all 27 Ontario deaths see Appendix A.

Farm workers, according to Carter, are subject to a variety of OHS safety hazards which are similar to those in other industries, i.e. physical trauma often associated with machinery use and exposure to toxic chemicals. However, many agricultural chemicals are unique, in that they are pesticides - chemicals that are formulated to be toxic to living organisms.

There are other factors that make farm OHS problems different from those of other industries. Carter has identified these to include: outdoor work, often in severe weather, long hours of

18. Supra, fn.1, at pp.201-203.
19. Sandborn, "OHS on the Canadian Farm", (1986), 9 (3) At The Centre, p. 1. Cited Sandborn hereafter.
20. Ibid.
21. Ibid.
22. OTFHSA, p.37.
23. FSA, 1985 Farm Fatality Report, Guelph, April 1986.
24. Ibid at p. 2.

labour due to natural growing cycles and exposure to infectious agents and dusts from soil, crops and animals[25]. Similar hazards are identified by Ashford who also notes farmworkers are exposed to risk by virtue of the heavy equipment with which they work and by the strenuous physical demands of their work, as well as being exposed to noise, pesticides and drugs along with natural hazards.[26]

The migrant and seasonal workers are especially at risk because of their living conditions. Although there is no available data, an Ontario Farm Labour Committee brochure discusses a Report of the Department of Manpower and Immigration commissioned in 1973 (the writer has not yet been able to locate this report). This report described living conditions of these workers as "inhuman, sickening and alarming". The brochure describes conditions with no running water or toilets, no heating, poor ventilation and quotes a local community worker as describing:

> The living conditions of the seasonals are really deplorable; in one place they were all together, cooking and eating in one big space with mattresses that looked like something the farmer took off the street.

There does not appear to have been any reported changes in these conditions, especially as the various pieces of employment standards legislation have not been changed to protect the workers.

The only change that has come about and this appears to have added to the increase in OHS problems in farming in recent years

25. Carter, "Farming, Pesticides and Occupational Health" (1986), 7(1) Occupational Health in Ontario, p.19.

26. N. Ashford, Crisis in the Workplace (Cambridge: MIT Press, 1984), pp.521-533.

is the gradual replacement of human labour by machines and pesticides. Machines increase productivity but also increase hazards on a farm and pesticides lessen the need for costly manual labour and improve crop yield, quality, uniformity and appearance.[27] It is therefore unlikely that farmers will be willing to revert to the older methods of production.

There is one OHS dimension that is almost unique to farming. Because the farm is also a home, children are exposed to farm hazards as inhabitants, visitors or workers. Between 1975 and 1984, 84 children under age 15 died in Ontario from farm-related accidents. This accounts for 18% of known farm fatalities. Thus, almost one in five accidental deaths on Ontario farms claims the life of a child.[28]

(1B) PROBLEMS IN OBTAINING SUFFICIENT AND ACCURATE STATISTICS

Documentation of the rates of death, injury and disease on Ontario farms presents problems. There is a lack of comparability between data collected by Statistics Canada, federal and provincial agricultural and labour authorities, the Workers' Compensation Board and farm safety groups. The comparability issue was recently canvasssed by OTFHSA and, while no standardization changes have yet resulted, there is at least a greater degree of awareness of different measurement definitions as well as an improved understanding of areas in which current data is merely anecdotal and incomplete.

Part of the documentation problem flows from the fragmented structure of the industry itself. There are numerous small farms on which very few of the farmers have either the time

27. Ibid.

28. FSA, The Rural Ontario Safety Kit, (Guelph: FSA), Box 1; see also Health and Safety Executive, Agricultural Black Spot (HMSO, London, 1986) pp. 2 and 16.

or inclination to record relevant statistical data. This type of information is generally recorded by the few large farm enterprises. Most farmers share the independent attitudes of small businessmen who traditionally resist filling out forms for external sources even if they had the time. Male farmers may also conceal that they have been injured as it is a very "macho" thing to suffer pain in silence. Farmers may also feel it is morally wrong to rely on others, especially a government social insurance scheme such as workers' compensation and thus do not make claims. Traditional rural values stress self-reliance and use of private disability insurance or aid from one's family or church.

An additional documentation problem flows from the socio-economic characteristics of hired farmworkers. They tend to be poorly educated. Many do not even speak English and some are illegal aliens or aliens on special work permits. They are often itinerant harvest workers who return home at season's end and are just in Ontario for a short time each summer.

In other industries the unions are extremely diligent in collecting statistical data. However, with the exception of British Columbia, few hired farmworkers in Canada are unionized or organized in any way[29] and one is therefore unable to turn to a union for this information. Labour laws permit unionization in B.C. but in Ontario and most other provinces, hired farm workers are not covered under labour relations statutes and in fact under the Ontario legislation[30], they are not even allowed to

29. The percentage of the total paid farmworkers who were unionized in Canada in 1981 was 0.4%. See Statistics Canada Catalogue 71-202. The main farmworkers union in Canada is the Canadian Farmworkers Union (CLC) in B.C. Attempts to organize an Ontario branch of the CFU in 1983 failed.

30. The Labour Relations Act, R.S.O. 1980 c.232, as am.

unionize[31]. They are not even covered under the Occupational Health and Safety Act[32], as are other nonunionized workers, who are able to set up workplace safety committees under the Act[33] and collect relevant statistical data through the committees.

A further documentation problem flows from the fact that the farm is a home as well as a business. Because there exist many hazards on a farm by virtue of the property being a farm, all those who reside there are exposed to these hazards. Injuries and disease to them may seem to be a normal part of life rather than work-related and it is difficult to distinguish statistically whether such injuries and disease are work related or residence related. Frequently, work that is carried on in the residence could be considered work related but this is unpaid and the hours uncounted, and when accident or disease result therefrom, is not considered statistically as a compensable injury. For example, suicides[34] due to stress may go unreported as a farm fatality and be classified otherwise in official statistics.

Another data problem flows from the fact that little research is done on farm health and safety in Canada. For example, of the $19 million spent on public health research between 1965 and 1970, only $667,000 went into projects related to farm health.[35] The situation has changed little since then[36] but there has been the recent OTFHSA study to determine OHS trends in Ontario

31. Ibid, s.2(b) and (c).
32. Occupational Health and Safety Act, R.S.O. 1980, c.321, as am.
33. Ibid. s.8.
34. E. Hamlett, Background Paper No.1 - A Structure of Ontario Agriculture as Related to Health and Safety (Toronto: OTFHSA, 1984) p. 112. The Ontario Registrar General reports 250 deaths of an accidental and violent nature on farms between 1979 and 1982, of which 87 (34.8%) were suicides.
35. Carter, Supra, fn 4 at p.20.
36. Farm Safety Association, Annual Report 1985, p.11. The FSA has commissioned several small farm OHS research projects.

agriculture.[37] Sponsored by the Ministries of Agriculture and Labour, the OTFSHA Report and background papers expand our knowledge. In one background paper, for example, Haslett[38] worked at establishing baseline economic and OHS data to develop an industrial profile. Between 1961 and 1981, he found farm labour costs had dropped 32% while farm output increased 52% due to mechanization and chemical use. Mechanization, however, brought accidents and farm machinery was associated with 77% of the accidental deaths that occured on farm property, with 66% involving tractors. The fatalities rate (outside the house) on farm property (outside the house) rose 15% per 100,000 person years of farm labour. Inadequate data prevent a definite morbidity assessment. Haslett did not separate accident rates between farmers and hired hands. However, the Task Force found farmers suffered 59.7% of the 134 farm fatalities between 1981 and 1984, followed by hired workers at 26.1% and unpaid family members at 14.2%.[39]

(1C) STATISTICS ON U.S. FARM ACCIDENTS

While information is fragmentary on Ontario farm accidents and illnesses, studies in the U.S. suggest that the levels are high. Ashford[40] found that the job illness and injury rate in U.S. farming to be exceeded only by mining and construction. Striqini[41] estimated that farm labour declined from 11% of the

37. OTFHSA Report was tabled on October 29,1985 in the Legislature. Four background papers were prepared:No.1 on agricultural statistics;No.2 on farm machinery; No.3 on agricultural chemicals and No.4 on occupational health.

38. Background Paper No. 1: A Structure of Ontario Agriculture as related to Farm Safety (Toronto, OTFHSA,1984).

39. OTFHSA, p. 40, Table 3.

40. Crisis in the Workplace (Cambridge, Mass.: M.I.T. Press 1984), pp. 521-533.97.

41. Striqini, "On the Political Economy of Risk: Farmworkers, Pesticides and Dollars" (1982), 12(2) International Journal Health Sciences, p.263.

labour force in 1975 to 2.5% of the labour force in 1978. Despite this decline, Strigini found farm labour in 1982 at the time of his paper accounted for 15% of the deaths and 7% of the disabling injuries among U.S. workers. He put the farm death rate in third place, inferior only to that of construction workers and miners, and stated the injury rate was the highest in all industry. He felt these farm rates were inaccurate due to an inadequate data base and were probably underestimates.

These general U.S. findings are replicated at the state level as well. Texas researchers report that agriculture in that state has the second highest rate of fatal occupational injuries and that one third of the farm deaths were due to machinery.[42]

Recent U.S. studies have begun to focus on migrant and seasonal farmworkers. Wilk, for example, found they suffered from the effects of poor sanitation and poor nutrition; lived in substandard, overcrowded housing; performed backbreaking, often dangerous work using poorly designed, sometimes defective equipment for which they were meagerly paid; and are exposed to pesticide contamination and parasitic infections at rates comparable to Third World countries.[43]

Wilk estimated there were 3 million US migrant and seasonal farmworkers. She noted they were without adequate health care and existed on annual average incomes of some $4,000(US). The health problems most frequently reported at migrant health clinics included dermatitis, injuries respiratory problems, musculo-skeletal ailments (especially back pain), eye problems, gastro-

42. Suarez et al, "Fatal Occupational Injuries - Texas 1982" (1983), 34(10) Morbidity and Mortality Weekly Report, p.130.

43. V. Wilk, The Occupational Health of Migrant and Seasonal Farmworkers in the United States: Report Summary, 2nd ed., (Kansas City, MO: National Rural Health Care Association, 1986). Cited as Wilk hereafter.

intestinal problems, hypertension and diabetes. Migrant and seasonal farmworkers were four times as likely as nonagricultural workers to suffer heat-related illness such as heat stroke, heat exhaustion or heat cramps. She was unable to specify the number of migrant workers injured on the job but noted the 1984 finding of the Center for Disease Control that agriculture was the second most dangerous occupation in the U.S. and a 1983 report of the National Safety Council that there were an estimated 1800 work-related deaths and 180,000 disabling injuries among US farm workers.[44]

Comparable studies on migrant and seasonal farmworkers in Canada are not available.[45]

(1D) BRITISH STATISTICS

Available British statistics suggest a high farm accident rate there. U.K. data is very accurate as legislation requires the coroner to notify the Health and Safety Executive of a fatal farm accident. A 1981-84 HSE study analyzed 296 fatal accidents[46] of which 127 (or 50% involved farm machinery. Drownings, falls, animals and falling objects each contributed 10%. Another 10% were due to electrical equipment, diseases and miscellaneous accidents. Disease fatalities were divided among Farmers' lung (8), Tetanus (1), and Bird Breeder's lung (1).

(2) COSTS OF INJURY AND ILLNESS IN THE FARM WORK PLACE

Safety costs can be expressed in terms of injuries and fatalities and the resulting psychological impact and problems

44. Ibid.

45. See Ontario Farm Labour Information Committee - London, brief to OTFHBA, public hearing, London, November 21, 1984; Ontario Farm Labour Information Committee, Migrant Workers & Their Families (Toronto:1983), p.3 for introductory information on Ontario situation.

46. Health and Safety Executive, Agricultural Black Spot (HMSO: London, 1986) p.25.

resulting from physical disabilities. They can also be accounted for in economic terms. In 1978, the President of the Farm Safety Association estimated the direct and indirect costs of accidents and injuries in Ontario agriculture at $35 million. This figure he felt could be translated into an average cost of $1,600 for each of the 22,000 farm employees in the province. He considered these costs that go hand in hand with farm accidents to be "horrendous" and "a major loss to all farmers in Ontario".[47]

These costs have continued to climb since then with direct WCB costs being the tip of the iceberg. In 1985, farm employers in Ontario paid some $504 million in wages to their workers, while the WCB paid out some $15.9 million in benefits to injured farm workers. The average cost of a farm lost-time injury was $5,476 with 1% of farm employers accounting for 25% of all farm lost-time injuries.[48] It should be noted that any costs not bourne by Workers' Compensation tend to be passed over to other social security schemes such as Unemployment Insurance, Canada Pension Plan and Welfare and Health Insurance.

IV : HISTORICAL BACKGROUND OF FARMING AND WORKERS' COMPENSATION

(1) FROM INCOME REPLACEMENT BY TORTS TO WORKERS' COMPENSATION

Although the above evidence shows that farm work is one of Canada's more hazardous occupations, farmers have resisted coverage under workers' compensation laws[49] and until recently they had the voting power in all provinces to back their stand.

Prior to workers' compensation legislation, the worker's only avenue for securing compensation for work-related sickness or injury from his/her place of employment was via the courts. In

47. P. Fisher, President's Report in FSA, Annual Report, 1978, p.2.
48. FSA, "Ontario Farm Injury ...Figures", Newsreleases (July, 1986).
49. C. Reasons et al, Assault on the Worker (Toronto, Butterworths, 1983) p.179.

interpreting the common law, the courts heavily favoured the rights of property over those of injured workers or their heirs. Employers could use 3 legal defences (the rules of contributory negligence, common employment and assumption of risk) which effectively shielded them from liability for accident claims in most cases. These defences meant the injured employee (or heirs) could not recover damages or the claim was sharply reduced if it could be shown the victim was partly responsible for the accident, or the accident was caused by a fellow employee's actions or the accident resulted from one of the normal or assumed risks of the particular job.[50]

The Ontario Workmen's Compensation Act[51] of 1914 was Canada's first piece of social insurance providing compulsory income protection against one of the risks to the continuity of income in an industrial society-work-related sickness, disability or death.[52] This scheme involved the payment of benefits in cash and, later medical and rehabilitative services, as a right and not as an act of charity.

(2) EXEMPTION OF AGRICULTURE FROM WORKERS' COMPENSATION

However progressive the Ontario Workmen's Compensation Act[53] was, it fell short of comprehensive coverage. Several important occupational groups were excluded from protection - farming, wholesale and retail etablishments and domestic service.[54]

50. D. Guest, The Emergence of Social Security in Canada (Vancouver: 2nd edition, 1985), pp.39-47.
51. See S.O., 1914, c.25.
52. Guest, supra, fn.50.
53. Supra, fn.51.
54. Supra, fn.51 s.109. In contrast, British workers' compensation legislation covered farming and Imperial Germany had a special agricultural accidents insurance law. See Reasons et al., Assault on the Worker, (Toronto: Butterworths, 1981), p. 179.

Chief Justice Meredith noted in his final report[55] upon which the Ontario Government based the Workmen's Compensation Act of 1914 that there was no logical reason why all should not be included, but nevertheless doubted whether public opinion would accept a more comprehensive scheme. Other provinces followed Ontario and introduced workmen's compensation laws, but they also excluded farm workers from compulsory coverage.[56]

(3) COVERAGE EXTENDED TO FARMING AND FARM SAFETY EDUCATION BEGUN

In Ontario, in the late 1950's, there was growing evidence that farm mechanization was accompanied by "too high a price being paid in human life and injury".[57] In response the Agriculture Department in 1960 established a farm safety unit and an Agricultural Safety Council to work with county safety councils to promote farm safety among farm people through meetings, the media and schools[58]. In addition, the Legislature responded in 1965 to the problem of farm injuries by amending the Workmen's Compensation Act[59] to remove the farming exemption. The WCB then passed an enabling regulation to make compensation coverage compulsory for hired farm workers effective January 1, 1966.[60] Ontario thus became the first province in Canada to inaugurate compulsory coverage for farm workers. Compulsory coverage allowed the WCB to begin in 1968 to financially assist the Ontario Farm Safety Council.[61] The Council was transferred in 1970 from the

55. Sir William Meredith, C.J.O., Final Report, Ontario Sessional Papers, No.53 (Toronto: King's Printer, Oct.21, 1913), p.xi. According to K. Harding, a former WCB executive, this public opinion was farming interests in the Ontario Legislature who threatened to block any compensation statute that included farm workers. See C. Reasons et al, op.cit., p.179, fn.5

56. Guest, supra, fn.50.

57. OTFHSA Report, p.28.

58. Ibid.

59. The Workmen's Compensation Act, S.O. 1965, c.142, s.6.

60. WCB, Annual Report, 1965, p.6.

61. WCB, Annual Report, 1968, p.24

Ministry of Agriculture to the Board and in 1973, it was replaced by the Farm Safety Association (FSA). Most county safety councils continued with some program and financial assistance from the FSA.[62]

The Farm Safety Association is supported by WCB funds collected from farmers who pay compensation assessments for hired help or themselves. The FSA program is planned by the Association's board of directors, which is made up of farmers. Activities include: provision of hazard information; consultation on OHS problems; audits of farm conditions, and training and awareness activities in schools and at conferences. To implement this program, there are executives at Guelph and consultants across the province who daily interact with farmers and farm organizations. In 1985, the FSA spent most of its $871,592 budget on 400 major farm employers but also did try to reach all farms via its information and inquiry services.

Limited funds inhibit carrying the program to smaller farms. This deficiency is due to the fact that the FSA's funding comes from only one third of Ontario's farms which carry compensation, these farms generally being the larger ones. If FSA services are to be extended a broader funding base is necessary. Because safety is seen as a community concern, the FSA does not run programs for hired farmworkers separate from those for farmers.[63]

V: FARMING AND THE PRESENT ONTARIO WORKERS' COMPENSATION SYSTEM

(1) THE STATUTORY FRAMEWORK AND ITS APPLICATION TO FARMING

Generally the present Workers' Compensation Act64 requires mandatory coverage for all paid agricultural workers, either

62. OTFHSA Report, p.28
63. OTFHSA Report, p.29 and FSA. Annual Report, 1985, p.7.
64. R.S.O. 1980, c.539, as am.

seasonal or working year round. This includes, although sometimes forgotten, a family member or relative - including a spouse - who works on the farm and receives a wage regardless of whether that person appears on the farmer's wage record[65]. Furthermore, children, receiving wages - not an allowance - for their farm work require compensation coverage, regardless of their age. Because of the high rate of accidents among young farm workers, the Board strongly advises farmers to obtain compensation coverage for all children working on the farm.[66]

The only exceptions to the mandatory coverage are those working for farm operations not enumerated in a statutorily authorized schedule.These exceptions include certain exotic farms and certain custom operations. Employers in these exempted groups can apply for voluntary compensation coverage under s.95 of the Act for their workers.

By way of elaboration, Section 4 of Part 1 of the present Workers' Compensation Act requires all employers in the industries listed in Schedule 1 (which is the only schedule which applies to farms) to contribute to the accident fund from which compensation is payable to their workers for work-related accidents and industrial diseases. Schedule 1, contained in Regulation 951 under the Act, lists these industries by classes. Section 127 of the Act limits the application of Part 1 of the Act to only those industries enumerated in the schedules. If a industry does not fall into one of the classes in Schedule 1 employers are not obliged to contribute and workers are not entitled to compensation.

65. Workers Compensation Board, Workers' Compensation and the Farmer (Toronto: 1986).

66. Ibid.

A farm is defined in S.1(a) of the Regulation (see page 1 of this paper) and specific farm operations are set out in Class 27 of Schedule 1 of the Regulation, except for sod farms which are covered under section 1(xviii) of Class 24.

Farms that are not specified in any class are not covered. Certain exotic farms (e.g. ginseng, chinese vegetables) may not be covered. However, the language of Class 27 is quite broad and such farms may be squeezed in as a "general farm" or "cash crop that is mechanically harvested". It is worth noting that no farming operation is specifically excluded from coverage under the Act by s.2 of Reg. 951.

Certain custom operations are not set out in Class 27 such as: clover mill, ensillage cutter, baler, thresher and drainage contractor. The WCB has found that these operations are covered regardless of whether or not they are based on farm premises. Other operations, such as pesticide application, or manure spreading appear not to be covered. These custom operators may be covered if the operation is ancillary to a listed farming operation. If not, the employer may apply under s.95 of the Act to be covered under Schedule I.

The WCB Claims Manual, No. 241, Directive 12(D)1(b) deals with casual workers employed by a custom contractor. This section of the directive provides:

> ... The leader is a contractor and workers are workers of the contractor, assuming the operation is under the Act. Discretion will be used in considering the application of Section 11.

Therefore, if the contractor is not under the Act, the workers are not covered. The reference to Section 11 of the Act may indicate that contractors along with their workers may be considered as employees of the contracting farmer in some circumstances.

People operating their own farms do not have to have workers' compensation coverage although it is available on request under s.95. Some 3,400 Ontario farmers have subscribed for personal coverage. Contractors, such as custom operators who use their own machinery or equipment are responsible for paying their own assessments. They are not considered by the WCB to be employees of the farmer, but proprietors of their own businesses.

Because farmers and their workers often help each other at busy times, provision is made for coverage of exchange of labour situations. The WCB administrative policy, which allows labour sharing between farmers is set out in the WCB. Claims Manual, No. 241, Directive 12. Generally, the hired help of one farmer who assist on a neighbouring farm have compensation coverage as long as they are on the original farmer's payroll or are being paid for the work done by the neighbour and are included on the neighbour's payroll statement. Compensation coverage also carries over to the farmer who has personal compensation and who helps out on another farm as well as to the farmer who does not have personal coverage but who is paid for work done by a neighbour and is included on the neighbour's payroll statement. A farmer, without personal coverage, who assists on a neighbouring farm where he/she does not appear on the neighbour's payroll statement does so at his/her own risk.[67] Such a farmer will have to rely on personal disability insurance or a tort remedy against the neighbour.

(2) ONTARIO COVERAGE IN COMPARISON TO OTHER JURISDICTIONS

Ontario has been quite liberal in terms of agricultural coverage. Compulsory coverage is granted to farm workers in 6 jurisdictions in Canada (Ont., B.C., P.Q., Nfld., Yukon and N.W.T.) while New Brunswick requires compulsory coverage for

67. WCB, Workers' Compensation and the Farmer (Toronto: 1986).

farm workers in operations employing 3 or more workers. Voluntary coverage is available in the 5 other provinces but is operative only upon application by the employer. It is thus in the employer's discretion whether or not a worker is to be brought under the Act's coverage. The result is that there are thousands of unprotected farm workers in Canada, working in an industry which is at times hazardous, and not enjoying the same protection guaranteed to workers in other industries. There has been some progress in Canada in recent years. In 1974, only 4 Canadian jurisdictions required compulsory coverage.[68] This had risen to 6 by 1986.[69] The example of Ontario which brought farm workers within the scope of its WC Act on January 1, 1966 proves that compulsory coverage is feasible, even if it took 52 years from the passage of the first Ontario WC Act in 1914 to bring it about.

In the U.S., farm workers are often exempted from compensation coverage, primarily on the ground that administration of such coverage would be too complex. According to Professor Larson, 16 states now cover farmworkers the same as other workers and 22 give limited coverage. Larson notes that even in the 16 states the administration of coverage presents certain problems, particularly with respect to contract workers[70].

In Ontario there are still a number of grey areas, in respect to cverage of farm operations as well as contract workers. At present the new external appeals body, the Workers' Compensation

68. Labour Canada, Legislative Branch, Workers' Compensation and Agriculture (Ottawa: 1974).

69. Personal correspondence with provincial WC Boards, December 1986. The Saskatchewan W.C. Act Review Committee has just recommended compulsory WC coverage for farmworkers. See Report of the Workers' Compensation Act Review Committee (Regina: SWARC, 1986) p.63.

70. A. Larson, The Law of Workmen's Compensation (New York: Matthew Bender, 1985) 52:00ff and Appendix A-4-1.

Appeals Tribunal (WCAT) is trying to clarify these areas. One panel has had to consider whether worm picking is included as a Schedule 1 industry.[71] The writer has been informed that another panel may have to deal with the question of who is the employer of chicken catchers who have been supplied by an outside contractor to the farmer on whose farm they are working.

There have been few farm-related coverage appeals to the Appeals Tribunal. The reason is unknown, but it is not clear whether many farmers or farmworkers even know that WCAT exists. The Tribunal's outreach program has until the end of 1986 been industrial and urban focused.[72] A co-operative effort by the FSA, WCB and WCAT may be needed to increase the tribunal's profile in rural areas. Farmers and farmworkers may also be more willing than industrial workers and employers to accept WCB decisions rather than appeal them.

(3) BENEFITS PROVIDED AND TYPES OF COMPENSABLE CLAIMS IN FARMING

Benefits for farm workers are no different to those for workers in other industries covered by the WCB. In cases where compensation is payable, the farm employer is required to report the accident or illness to the WCB and to pay wages and benefits to the disabled worker for the time lost on the day of the accident or illness. Some difficulties arise in accident reporting as farmers often feel they are too busy to report the incidents or do so later when their memory of the facts has somewhat faded. A further problem exists with farmworkers not even reporting an accident to farmer because of fear of losing his/her job.

71. WCAT, (Interim) Decision 417, August 29, 1986 ("Chung Case").
72. WCAT, Newsletter (October 1985 - December 1986) and WCAT, First Report, 1985-1986 (Toronto: WCAT, 1986), p.

Assuming a proper report is filed, the Board compensates hired help and farmers who are covered by workers' compensation for job-related injuries and diseases in two ways. First the WCB will pay for health care expenses related to the accident or disease. Second, the WCB will pay 90% of the farm-worker's net average earnings. In cases where the effects of an injury or a disease are permanent, the WCB will pay a pension. For farmers and hired help who cannnot return to farming, various forms of vocational assistance are provided, including counselling and retraining for other employment. Benefits may be terminated if the Board decides the injured worker has recovered or is not actively seeking employment, although able to do so in the opinion of the WCB. Issues of what constitutes recovery as well as what is suitable and available employment may be appealed through the Board's internal review system and subsequently to the WCAT[73]. These issues affect injured industrial workers also but farm people would seem to suffer more because of geographical isolation from alternative employment as well as lack of applicable skills to the urbanized marketplace.

Where the accident or disease results in death, the WCB will pay funeral expenses, or a lump sum death payment, and ongoing benefits to the surviving spouse, children and other recognized dependents of the deceased farmer or farm worker. The surviving spouse may take advantage of the same vocational assistance the WCB offers to injured farmers and hired help[74].

Before examining particular problems which farmers and farm workers may have in processing claims, a review is conducted below of the types of compensable claims filed in Ontario.

73. WCAT, Interim Decision 2, January 1986 covers these issues.
74. WCB, Workers' Compensation and the Farmer (Toronto: WCB, 1986).

The WCB Annual Report 1985 shows at page 22 that 2,316 temporary total compensation or lost time claims arising from farm work were settled in 1985.. This is based on reported accidents and indications are that the actual number of farm accidents is much higher. This figure of 2,316 represented 1.3% of all Temporary Total Compensation Claims settled in Ontario in 1985. This percentage is down slightly from 1984 when the percentage of agricultural claims as opposed to all Ontario Temporary Total Compensation Settled Claims was 1.5% (2,351 out of 153,895). The Board did not print a 1985 table of claims by industry for nature of injury or body part. However, the FSA has collected lost time statistics for farming by nature of injury and body part (see Appendix B).

With respect to Fatal Settled Claims by Industry, the WCB Annual Report 1985 at page 24 recorded 9 claims for farming in 1984 and 5 in 1985. These figures were 4.5% of the 1984 total claims figure of 200 and 3.5% of the 1985 total claims figure of 144. These fatal claims would seem to underrepresent the actual fatality figures in agriculture, according to the Farm Safety Association fatality reports. In 1984, the FSA recorded some 48 deaths on farms and in 1985, there were 27 deaths.[75]

Farm workers have been processing their claims directly through the WCB and the WCB staff do not treat farm claims any differently to other entitlement claims. There does, however, seem to be some reluctance in farmworkers filing claims and even where there have been serious complaints of hazards, e.g. direct pesticide spraying, or unsanitary conditions, which could result in injuries or illnesses, the farmworkers have been more likely to

75. FSA, Annual Report, 1984, p.12 and Annual Report, 1985, p.12.

turn to public health and Environment officials before filing a WCB claim.[76] There also appear to be few entitlement appeals from farmworkers being processed through the internal WCB review system and no entitlement claims appeals involving farmers or farm workers have as yet reached the Appeals Tribunal, although the Office of the Worker Advisor and legal clinics have been involved in a few claim applications.

(4) PAYING FOR WORKERS' COMPENSATION IN FARMING

Farm employers pay an annual assessment to the WCB depending on their total payroll and the kinds of farming they do. These farms are classified by the Board into various rate groups according to their type and the risks associated with them. There are at present 3 rate groups. Each rate group then has an assessment amount assigned to it by the WCB which reflects primarily the costs of injuries and occupational illnesses expected to occur within that rate group during the year.

Farm employers are charged according to the following rates now in effect; (1) 876 for sod farmers; (2) 943 for groups in s.1 of Class 27 and (3) 953 for groups in s.2 of Class 27. The WCB figures a farmer's annual assessment by multiplying each $100 of a farmer's payroll (up to a maximum employee earnings ceiling set through legislation) by the amount appropriate to the farmer's rate group. The farmer's estimated payroll for the current year and the actual payroll for the previous year provide the basis for the Board's calculations[77].

In order to register a farm operation for compensation, a farmer should provide a payroll estimate and a description of the

76. See Ontario Farm Labour Information Committee - London, Brief to OTFBA hearing in London, November 21, 1984, as well as OFLIC pamphlets, on file, CCHOB, Hamilton.

77. WCB, Workers' Compensation and the Farmer (Toronto: WCB, 1986).

type of farming carried out to the WCB's Assessment Services Office in Toronto. There would appear to be considerable scope for assessment appeals in farm operations as the WCB attempts to cope with increasing costs by raising assessments. A farmer can ask Assessment Services for a review of their assessment of his operation and if dissatisfied can appeal the matter to WCAT. There has as yet been no appeals of an agricultural assessment to WCAT. This may be due to lack of awareness on the part of the farmers of the right to appeal an assessment to WCAT and the new appeals mechanism. However, even industrial employers have to date made little use of this procedure[78] and the reasons for this are not known.

(5) PROCEDURES FOLLOWED WHEN AGRICULTURAL WORKERS SUBMIT CLAIMS

Normal WCB claim procedures are followed for claims by farmers and farm workers. Although these claims were once submitted only through the WCB Head Office in Toronto, they may now also be processed through regional WCB offices. Farm safety officials say this administrative change has eased previous filing difficulties encountered by farmers and farmworkers who were not comfortable dealing with the WCB Head Office in Toronto.[79]

VI: CONTEMPORARY WORKERS' COMPENSATION REQUIRES EMPHASIS ON PREVENTION AND REHABILITATION OVER SIMPLE INCOME REPLACEMENT

Contemporary workers' compensation to be effective requires emphasis on accident/illness prevention and rehabiliation in addition to simple income replacement. Contemporary workers compensation can deal with unsafe and unhealthy working conditions by use of WCB penalty assessments against offending employers as well as by Ministry of Labour enforcement of

78. WCAT, Keyword Index and Annotated Statute Index (Toronto: 1986).
79 Interview with FSA officials, Guelph, Ontario, November 30, 1986.

occupational health and safety standards.

The problem in Ontario and the rest of Canada is that OHS legislation does not apply to farming.[80] The OTFHSA has recommended that the Ontario OHS Act be applied to farming but so far the provincial government has not acted. While some farm groups have resisted its application to agriculture the FSA has promoted a gradual approach whereby workable techniques can be developed rather than simply imposed.[81]

The OTFHSA has recommended a new agency for farm safety jointly controlled by labour and agricultural ministries.[82] This is opposed by some farm labour writers who see any agency with Ministry of Agriculture participation as being a "second class" safety agency where the Agriculture Ministry's pro-business orientation might prevail. These critics feel effective OHS protection can come only through the Ministry of Labour as farm-workers should be treated just like workers in other industries.[83] Spokesmen for farmers assert that farming is different. They note much of the farm work force is made up of family members and not hired hands. They doubt the effectiveness of Labour to regulate OHS in the rural environment.[84]

Application of the OHS Act to farming does not however appear imminent here, but there is now a private members bill[85] before the legislature that would eliminate agriculture's exclusion from coverage of the OHS Act. The only reference to farming in this bill is in s.1 which states that ss.3(2) of the Act[86] is repealed.

80. Carter, supra, fn 4, p.19.
81. FSA Annual Reports, 1979 to 1985.
82. OTFSHA, p.33.
83. Sandborn, supra, fn 19.
84. Campbell,"Health and Safety on the Farm"(1986)At the Centre 1.
85. Ontario Legislative Assembly, Bill 149: An Act to Amend the Occupational Health and Safety Act, (Martel, E.) first reading, November 18, 1986.
86. R.S.O. 1980, c.321, as am.

That section precludes the Act's application to farming. However, application of the OHS Act to farming is unlikely to quickly improve the situation. Farming in the US has been subject to a federal OHS act and there has been little progress.[87] The problem there is that farmworkers are generally an unstable workforce with a low level of unionization. Only 1% of the total U.S. paid farm work force is unionized, partly due to federal and state bans on farm worker unions. These conditions also exist in Canada. It would seem that as an interim measure the special farm safety agency as suggested by the OTFHSA has considerable merit if genuine co-operative efforts can be made by government officials, farmworkers, and farmers and their family members.

The OTFHSA reports farmworkers see lack of OHS coverage as a violation of the S.15 equality provision and the Charter of Rights and Freedoms[88] and also farm labour's specific exclusion from the provisions of the Labour Relations Act[89], which denies them the right to unionize would appear to be repugnant not only to Section 15 of the Charter but also to Section 2 of the Charter guaranteeing the fundamental freedom of association. Although it is not known if any farmworker is about to challenge this provision, it would appear that this will be necessary to enable farmworkers to unionize, which is especially necessary as effective OHS coverage for farmworkers will probably have to await the development of a strong union movement. Unfortunately, organizing activities in Ontario have not in recent years proved very effective. This is probably due to the general characteristics of farmworkers as described previously.

87. Ashford, supra fn. 26, p.522.
88. Constitution Act, 1982.
89. R.S.O. 1980, c.232, as am.

VII: CONCLUSIONS AND PROPOSALS FOR REFORM

This paper has reviewed the workers' compensation situation in Ontario in respect to farming. Relevant experience from other jurisdictions, both Canadian and foreign, has been canvassed. It has been noted that Ontario has been been slow in providing coverage to her farm workers but faster than other Canadian and American jurisdictions.

It would seem that the remaining Canadian jursidictions will soon extend workers' compensation to cover presently excluded farmworkers. The term "workers' compensation" implies that the WC Act extends compensation coverage to all workers. Although farmworkers are part of an industry that is unique in terms of structure and working conditions, no fundamental difference exists between a farmworker and an industrial worker. It is hoped that the remaining provinces will recognize the logic of this argument and remove statutory provisions excluding farmworkers. Saskatchewan has accepted this logic in the province's recent WC Review Committee Report, despite resistance from individual farmers.

Other provinces may reluctantly implement the same change because the Charter of Rights now appears to guarantee farmworkers under S.15 the same "equality before the law" that the Michigan Supreme Court used in striking down the exclusion of farmworkers from coverage under the state's workers' compensation statute[90].

This equality argument could be used in Ontario to extend coverage to any remaining categories of farmworkers who remain outside present coverage under the Act. The legal strait jacket of requiring farm operations to be listed in Schedule 1 of

90. Guittemez et al v. Simmer Crandall Company 202 NW 2d 786 (1972).

Regulation 951 before workers employed in them can receive compensation should be dispensed with as farmworkers should get compensation when they are injured at work and not be denied this right merely because their employer falls into an unlisted farm operation, such as worm picking.

Provision of income replacement by workers' compensation to all Canadian farmworkers will however be a hollow victory if something is not done to reduce farm accidents and illnesses. This paper has documented a high rate of accidents and illness has been identified in Canadian farming but reductions will require better OHS measures. This means changes to the provincial OHS and Labour Relations acts. However, reductions will be slow in coming even if changes are made if one considers the US experience and the minimal impact of improved legislation there.[91] Nevertheless, even small reductions would be welcome pending better arrangements.

Emphasis on a co-operative farm safety approach, involving government, employers and workers, manufacturers and health and safety educators seems necessary in Ontario as the usual adversarial, collective bargaining relationship does not presently exist within the farm work environment. This is especially significant when employers employ themselves as workers, as well as their family members and hired farmworkers are not organized into bargaining units.

Farmworkers appear not to be using the present workers' compensation system as effectively as they might and an education campaign by the WCB, FSA and WCAT in co-operation with the Ontario

90. Ashford, Burr. In 56, p.522.

Federation of Labour might improve the situation somewhat and inform all farmworkers of the fact that such coverage is available, how to apply and, if necessary, when and how to appeal. Greater education work will require increased expenditures and this will have to be borne by employers or the public.

Although this paper has dealt only with workers' compensation and farmworkers, there exist, as for the rest of the injured labour force, a fragmented array of personal income security arrangements, such as welfare, Canada Pension, Unemployment Insurance, etc. which are available to the injured farm worker. There exists for the farmworker similar problems in obtaining these benefits as with workers' compensation because of lack of knowledge of their existance, employer reluctance to facilitate effective access to them, etc.

A universal, no-fault, accident compensation scheme, as in New Zealand,[92] which would require an injured person, whether injured on the job or elsewhere, to apply to only one agency, would of course alleviate the above situation. For example, such a scheme would be useful to avoid appeals to WCAT and litigation in the courts in such a situation when an accident occurs on an Ontario Highway involving a farm vehicle or animal. At present it is unclear who has jurisdiction, WCAT or the courts, to deal with such matters. If a farmworker is involved in such an accident and efforts are made to collect in tort, the individual may have to make an application to WCAT for a determination as to whether he/she must go through the courts or the WCB. However, it is highly unlikely that such a scheme will be put shortly into place as the political consensus for it does not seem to be present. It

92. See T. Ison, Accident Compensation, (London: 1980).

is presently not even present for no-fault automobile insurance coverage.

There is a need for more research into farming, occupational health and workers' compensation. Limited research money is now being spent and this amount needs to be expanded, with major amounts being directed at the particular problems that seasonal and migrant farm workers have in coping with occupational injuries and illnesses. Canadian information is almost non-existent on this topic and Canadian decision-makers should not have to make inferences from foreign studies.

There would appear to be a role for the federal government to play here as many of these workers are from outside the country on special immigration work permits. Foreign workers are not likely to complain of injuries while they are here for fear of being sent home before the harvest is over. A further problem exists for illegal aliens. They are extremely vulnerable and it is even more unlikely that they would even report an accident, let alone have a claim processed, because of fear of deportation. There appears to be no discussion in any of the literature of this particular problem and it is unknown what the situation would be should an illegal alien make a claim for compensation.

For those migrant workers who are not illegal, difficulties still exist in processing claims when the workers return home. Foreign or out-of-province workers may find it difficult to process their claim from home when attendance is required in Toronto for medical examinations and hearings. The WCB seems reluctant to pay for external expenses, especially trips back to Toronto. Use of Immigration Dept. physicians abroad might

improve the situation for "off-shore" workers and a special unit of the Office of the Worker Advisor might be established to work with migrant workers.

There is also a need in Canada for an Office of Migrant Health similar to that which exists in the United States. Founded in 1962 by passage of the National Migrant Health Act by Congress, the OMH is part of the Department of Health and Human Services. With a 1985 budget of $44 million (US) the OMH operates 122 migrant health centres in over 300 rural areas which reach 15% of their estimated 3 million migrant and seasonal farmworkers.[93]

Such an office would work best if it came under federal control as migrant and seasonal workers cross provincial and international boundaries to work in various areas of Canada. It would be difficult to keep the Office focused on migrant workers if it came under provincial control in provincial ministries of labour or agriculture as problems of resident farmers and farmworkers would continue to take priority. Such an Office could function out of either the Department of Health and Welfare or Immigration and Employment. It could begin with research duties and then take on advisory duties with respect to personal income security programs available to migrant and seasonal workers. Such an Office would overcome one of the problems identified in the US where farmworkers even when covered by personal income security schemes, such as workers' compensation, often do not know and are not told that they can collect compensation for work related injuries or ailments. As the provincial WCB's are already overextended with present duties, such an Office should not be part of the provincial WCB's, although those bodies could consider

93. V. Wilk, supra, fn.43, p.1.

designation of liaison people.

Finally, the time has come for the Ontario Government to take action on the recommendations contained in the Report of the Task Force on Health and Safety in Agriculture (See Appendix C). It is now over a year now since the Report was tabled and no implementation activity is apparent at either the Ministry of Labour or the Ministry of Agriculture and Food. Whatever changes are decided upon by the Government, it would seem that an advisory coucil could be created to guide the Government in introducing appropriate legislation and administrative measures. Such guidance is necessary if the measures are to be effective in improving workers compensation and occupational health and safety for farm people.

The participation farm people is necessary for cultural reasons as well as administrative efficiency Farming is after all a way of life and a culture all to its own and not just a business activity. Urban groups, especially those affiliated with labour, which want better workers' compensation and OHS coverage for farmworkers may become impatient with such a participative process. But fears in the farming community that reforms will bring unbearable costs must be overcome. Farmers are concerned with the need to improve farm safety and provide more effective compensation but many feel they are on the edge of bankruptcy. A commitment by the provincial government to shoulder some of the increased costs from general tax revenues would overcome some farmer reluctance. However, lack of any resonse by the government will confirm suspicions by farmworkers that they are indeed second class citizens and urban people are simply not interested in their plight.

The plight of Ontario farmworkers is not however the responsibility of just the provincial government and farm employers. The Ontario labour movement could do more to see that viable, representative farmworker organizations are created. In the early 1980's the labour movement did assist with the formation of the Ontario Farm Labour Information Committee and local information centres, but the effort collapsed when leading organizers from British Columbia returned home to deal with pressing workers' compensation and OHS matters there.

There appears to be no activity by the Ontario Federation of Labour at this time in this area. Effective workers' compensation and OHS systems require labour participation and if the farmworkers are too weak at this time to do it for themselves, extra effort will have to be made in the name of solidarity by their urban brothers and sisters to help develop such organizations. Such organizing could probably be started around corporate farm enterprises where there is a year-round stable workforce. This would also be in the public's and farmers' interest as the reduction of accidents and illnesses not only will mean less human suffering but will also mean lower economic, medical and rehabilitation costs, and possibly even a lower cost of food. Lack of a fresh effort by the Ontario labour movement, now that the Report of the Ontario Task Force on Health and Safety in Agriculture is in, will confirm suspicions by farmworkers just as much as lack of government action that they are regarding by unionized urban workers as second class citizens and that unionized urban workers are also simply not interested in their plight.

APPENDIX A

FARM SAFETY ASSOCIATION INC.
340 WOODLAWN ROAD W., SUITE 22-23, GUELPH, ONTARIO, N1H 7K6 (519) 823-5600

1985 FARM FATALITY REPORT

THE 27 FATALITY REPORTS CONTAINED HEREIN HAVE BEEN COLLECTED FROM NUMEROUS SOURCES AND INCLUDE FIVE WORKERS' COMPENSATION CLAIMS IN RATE NUMBERS 876,943, AND 953, WHICH ARE INDICATED BY AN ASTERISK (*). THIS IS A REPRESENTATIVE SAMPLE ONLY OF THE DIRECT AND INDIRECT AGRICULTURAL RELATED FATALITIES IN THE PROVINCE OF ONTARIO DURING THE YEAR, 1985.

APRIL, 1986

AN IMPORTANT NOTE

ABOUT FATALITY STATISTICS

The Farm Safety Association gathers fatality information from a number of sources including the Workers' Compensation Board. While all fatalities occurred on farm operations or in the course of performing farm work, some fatalities reported may not have been directly related to the occupation of farming.

Five farm fatalities reported to the Workers' Compensation Board have been included in this report. These claims were reported under the following rate classifications:

Rate #	Number Of Fatalities
876	1
943	3
953	1

876 - Landscaping or Sodding, Sod Farms; Weeds, Trees, etc., spraying of

943 - Chicken Farms, Fruit Farms - other than Tree Fruit, Fur Farms, Mushroom Farms, Tobacco Farms, Turkey Farms, Bee Keeping, Chick Hatcheries, Cultivating or Gardening, Florists, Market Gardening, Nurserymen.

953 - Christmas Tree Farms, Dairy Farms, General Farming, Stock Farms and Horse Farms, Tree Fruit Farms, Clover Mills, Ensilage Cutters, Hay Baling Machines, Threshing Machines and Cash Crops Mechanically Harvested; Farm Drainage, as a Business.

DATE	AGE	COUNTY	HOW ACCIDENT OCCURRED
January 22	49	Lanark	The victim was removing the frozen crust from an outdoor silage pile with a tractor and front end loader. The victim was reversing with a large piece of frozen silage on the bucket. The silage apparently fell over the back of the bucket and struck the victim. The silage came to rest on top of the victim. Cause of death was asphyxiation.
January 23	2	Simcoe	The victim was sitting on the lap of a person driving a tractor. The tractor was stopped and the person reached back to drop the rear bucket. The victim fell forward, the person lunged forward in an attempt to grab the victim. The person's foot slipped off of the clutch causing the tractor to move forward and crushed the victim's head. Cause of death was due to massive head injuries.
nuary 31	22	Glengarry	The victim was working in a silo when the victim became caught in a silo unloader. The victim's clothing caught in an auger drive pulling the victim between the drive arm and the loading arm.
February 27	15	Middlesex	The victim was travelling down the road on a tractor. The victim attempted to turn the tractor around on the shoulder of the road. The tractor overturned crushing the victim beneath.
March 18	4	Perth	The victim's parent was clearing manure from the inside of the barn with a skid steer loader. The victim's parent backed into a passage way, struck and backed over the victim.

DATE	AGE	COUNTY	HOW ACCIDENT OCCURRED
April 18	26	Haldimand/ Norfolk	The victim was driving a tractor with a manure spreader attached, down a road. The victim started up a slight grade when the tractor stalled. The tractor rolled backwards down the grade. The victim lost control and the tractor and spreader went into the ditch causing the tractor to rollover backwards pinning the victim beneath. Cause of death was due to asphyxiation.
May 6	10	Durham	The victim was riding on the fender of a tractor. The driver lost control of the tractor and went into a ditch. The tractor flipped over and pinned the victim beneath.
June 27	4	Bruce	The victim was riding in the bucket of the front end loader. The victim was leaning forward as the tractor moved forward, lost balance, fell out and was run over by the tractor wheels. Cause of death was due to massive skull injuries.
June 28	1	Perth	A tractor trailer was backing up and ran over the victim. Cause of death was due to extensive head injuries.
*July 24	63	Hamilton-Wentworth	The victim was operating a tractor. While reversing the tractor the driver drove over the edge of a bank and into a pond. The tractor landed on top of the victim pinning the victim in the pond.

DATE	AGE	COUNTY	HOW ACCIDENT OCCURRED
July 25	55	Simcoe	The victim was driving a farm tractor with a manure spreader attached to the rear of the tractor. While going down an embankment, it would appear that the spreader jackknifed causing the tractor to rollover and pin the driver underneath. Cause of death was due to asphyxiation.
July 28	65	Halton	The victim was directing a truck delivering hay into the barn when the victim tripped and fell under the rear tire of the truck.
gust 5	49	Grey	The victim was operating a farm tractor. While backing up, the right rear wheel of the tractor went over an embankment causing the tractor to rollover pinning the victim underneath.
August 7	21	York	The victim was electrocuted when a tree branch from a tree the victim was trimming, fell across a high voltage power line. The current went through the branch, through the clippers and into the victim.
September 26	39	Frontenac	The victim was reversing a tractor down a grade. The tractor slipped into neutral and the victim lost control of the tractor. The tractor struck a rock face, flipped onto its side, and crushed the victim.

DATE	AGE	COUNTY	HOW ACCIDENT OCCURRED
October 7	19	Leeds	The victim was driving a farm tractor pulling a corn hopper down the shoulder of a road. The right wheel dropped off of the shoulder. The tractor rolled over pinning the victim beneath.
October 12	59	Russell	The victim was driving a tractor with a front end loader attached on top of a nine foot high stock pile of corn silage. The victim drove too close to the edge of the pile and the tractor overturned and pinned the victim underneath.
October 17	33	Peterborough	The victim was plowing in plastic drainage tile when a Trans Canada Pipeline was hit. An explosion occurred and the victim was burned to death.
October 28	63	Kent	The victim was working in the field with another worker. The victim walked between the corn picker and wagon of the other worker. Unaware the victim was between the equipment, the other worker got on the tractor and started it. The victim was run over by the wagon.
November 2	12	Durham	It is believed that the victim was alone in the barn playing with a lighter and the barn caught on fire. The victim probably stayed in the barn in an attempt to extinguish the fire, was unable to do so and was trapped when the fire increased. Death was due to asphyxiation.

DATE	AGE	COUNTY	HOW ACCIDENT OCCURRED
November 11	57	Prince Edward	The victim was riding a 4-Wheel A.T.V. and was travelling on a railway track when struck from behind by a train and thrown into a drainage ditch. Death was due to an infection which started in the legs due to cuts received during the accident and from exposure to bacteria in the drainage ditch. (Final decision by W.C.B. re acceptance pending)
November 12	7	Oxford	The victim was found trapped in the automatic ventilation window of a pig barn. It appears the victim's upper torso was through the window when the thermostatically controlled window activated trapping the victim between the window and the sill.
vember 23	22 months	Durham	The victim was riding on a farm tractor. The tractor jolted as it entered a driveway causing the victim to fall from the tractor and the rear wheel ran over the victim's head.
November 27	25	Elgin	The victim started the tractor. The starter stuck and the tractor started to smoke. It appears that the victim leaned over to pull the kill switch and the left rear wheel caught the victim's jacket and pulled the victim under the wheel.
December 13	82	Hastings	The victim and a second person were attempting to free a tractor with a manure spreader attached, out of the mire. Thinking the victim was heading towards the barn, the second person mounted the tractor and attempted to free the mired tractor. The second person looked back and saw the victim on the ground. It appears that the victim had slipped on the ice and was run over by the mired tractor's wheels.

DATE	AGE	COUNTY	HOW ACCIDENT OCCURRED
December 28	45	Simcoe	The victim was using a small tractor to try to pull a dead tree protruding from the ice on a river. The cable would not reach the tree so the victim reversed the tractor on the river bank. The tractor slipped down the embankment into the river. The tractor went under the ice and the victim was pinned on the tractor seat by the ice. Cause of death was due to drowning.
December 30	49	Brant	The victim was standing approximately 12 feet away from the corn crib. The wall of the corn crib collapsed falling on the victim, allowing the corn to spill, which then covered the victim. The victim was trapped by the wall at waist level. Cause of death was due to asphyxiation.

APPENDIX B

Table 41

Number of Lost Time Injuries in a Five Year Period, 1978 to 1982, Ontario, By Nature of Injury and Farm Enterprise

Farm Enterprise	Nature of Injury													Total	
	Strains, Sprains	Cuts, Bruises	Breaks, Fractures Dislocations	Eye Injury	Puncture, Wounds	Infections, Rash	Burns	Major Amputations	Tobacco Rash, Poison	Hernia	Minor Amputations	Gas, Chemicals	Heart Attack	Number	Proportion
	- number -													no.	percent
Nursery and Landscape	987	721	265	146	59	57	39	28	—	26	26	8	—	2362	21.5
Tobacco	802	714	323	41	53	35	46	25	146	35	21	2	1	2244	20.5
Fruit and Vegetable	479	456	230	75	22	37	16	27	—	21	14	13	—	1390	12.7
Mushroom	218	344	50	19	22	7	8	5	—	—	2	2	—	677	6.2
Greenhouses	175	174	52	26	19	26	11	2	—	5	1	12	1	504	4.6
Cash Crop	63	93	48	13	4	2	6	10	—	3	3	1	—	246	2.2
Sub-Total	2724	2502	968	320	179	164	126	97	146	90	67	38	2	7423	67.7
Dairy	305	325	266	31	39	14	9	28	—	17	13	9	3	1059	9.7
Poultry	237	195	58	32	26	14	11	3	—	11	3	3	1	594	5.4
Horses	115	153	86	7	4	5	4	2	—	4	1	—	1	382	3.5
Beef	131	174	111	21	17	4	8	16	—	5	3	2	—	492	4.5
Pork	48	70	32	7	18	4	1	2	—	—	3	2	1	188	1.7
Sub-Total	836	917	553	98	104	41	33	51		37	23	16	6	2715	24.8
Drainage	88	94	36	21	4	5	3	1	—	1	—	—	—	253	2.3
Other	155	217	94	16	16	10	14	23	—	3	13	3	3	567	5.2
Total-Number	3803	3730	1651	455	303	220	176	172	146	131	103	57	11	10958	
Total-Percent	34.7	34.0	15.1	4.2	2.8	2.0	1.6	1.6	1.3	1.2	.9	.5	.1		100.0

Source: Farm Safety Association Inc., Survey of Agricultural Lost Time Injuries, Annual, 1978 - 1982.

Table 42

Number of Lost Time Injuries in a Five Year Period, 1978 to 1982, Ontario, By Part of Body and Farm Enterprise

Farm Enterprise	Hands, Fingers	Back, Spine	Feet, Ankles	Legs, Knees	Arms, Shoulders	Multiple	Trunk	Eyes, Nose, Ears	Head, Neck	Internal	Total Number	Total Proportion
	- number -										no.	percent
Nursery and Landscape	565	587	394	277	200	105	122	190	69	35	2544	21.3
Tobacco	640	368	357	283	273	242	147	61	70	42	2483	20.8
Fruit & Vegetable	352	268	201	164	167	103	98	100	33	30	1516	12.7
Mushroom	118	138	94	102	91	83	57	27	46	3	759	6.3
Greenhouses	114	106	77	61	48	44	23	30	18	12	533	4.4
Cash Crop	81	24	40	43	14	8	14	20	8	4	256	2.1
Sub-Total	1870	1491	1163	930	793	585	461	428	244	126	8091	67.6
Dairy	275	145	174	183	100	69	76	63	41	33	1159	9.7
Poultry	161	167	72	54	69	31	26	41	28	16	665	5.6
Horses	66	49	65	73	50	29	41	23	13	6	415	3.5
Beef	121	76	77	83	45	40	30	34	12	6	524	4.4
Pork	65	26	32	29	14	9	9	10	7	5	206	1.7
Sub-Total	688	463	420	422	278	178	182	171	101	66	2969	24.9
Drainage	68	49	48	33	15	15	13	25	12	3	281	2.4
Other	173	107	80	56	55	30	32	36	21	14	604	5.1
Total - Number	2799	2110	1711	1441	1141	808	688	660	378	209	11945	
Total - Percent	23.4	17.6	14.3	12.0	9.6	6.8	5.8	5.5	3.2	1.8		100.0

Source: Farm Safety Association Inc., Survey of Agricultural Lost Time Injuries, Annual, 1978 - 1982.

APPENDIX C

REPORT

OF

ONTARIO TASK FORCE

ON HEALTH AND SAFETY

IN AGRICULTURE

Toronto, Ontario

October 29, 1985

SUMMARY OF RECOMMENDATIONS

Chapter One

1. that an agency be established jointly by the Ministries of Agriculture and Food and of Labour that has comprehensive responsibility for developing and administering health and safety programs in agriculture. (p.33)

Chapter Two

2. that the approach to fatality data collection already in place be extended to make consistent use of all available sources, for example, the files of the Registrar General and of the Office of the Chief Coroner. (p.42)

3. that rigorous criteria be established for what fatalities are reported as farm fatalities and that they be classified, perhaps as set out in Appendix 2, with respect to the directness of their relationship to farm work. (p.42)

4. that every effort be made to maintain a consistent relationship between the fatality data and farm employment and population statistics produced by Statistics Canada. (p.42)

5. that the case-by-case description format of the Farm Safety Association's annual report on farm fatalities be retained and that greater public use be made of the report and background information to it as vehicles for accident prevention. (p.42)

6. that survey work be undertaken among farmers, farm family workers and hired farm workers to:

   - describe their work injury and illness experience;

   - describe the occurence and nature of health and safety hazards in farm work and the extent of exposure to them;

   - relate the injury and illness experience and exposure information to variables that describe the characteristics of farm work, farm workers and their working conditions; and,

   - wherever possible, ensure that the survey information is collected and analysed in ways that permit it to be used in conjunction with existing data sources. (p.46)

7. that the agencies currently generating information on farm health and safety experience and those preparing statistics from that information work together to ensure that they use consistent definitions and systems of classification and that their output is compatable with other major statistical series, such as farm employment data prepared by Statistics Canada. (p.47)

8. that a health data collection system using existing data generating sources, such as the Hospital Medical Records Institute, Ontario

Hospital Insurance Plan, Poison Control Centres, Workers' Compensation Board, Ontario Ministry of Health and perhaps others, be established to record and analyse adverse health effects experienced by farmers and farm workers. (p.48)

9. that the Agency, in cooperation with the Ministries of Labour and of Agriculture and Food, put a high priority on developing an information base that will permit meaningful analysis of farm occupational health and safety issues. (p.54)

Chapter Three

10. that approved roll-over protective structures (ROPS) and seat belts be made mandatory on all new tractors used in farming from the earliest date such legislation can be put in place and that only essential exceptions to these requirements be worked out by the Agency responsible for health and safety in agriculture with representatives of the industry. (p.62)

11. that a government funded program be developed to assist farmers with the cost of installing ROPS on tractors they now own and that are not so equipped; that manufacturer approved ROPS or designs tested and certified by the Canadian Standards Association be used for this purpose; and that the retrofitting program be completed by a date to be specified in legislation. (p.62)

12. that interlocking safety cut-off switches be mandatory on farm tractors and other self-propelled farm equipment offered for sale in Ontario after a date to be specified in legislation. (p.64)

13 that an emergency power take-off (PTO) shut-off switch be so located on new farm tractors as to lend itself to being easily reached in emergency situations, and that farmers be encouraged to install such shut-off switches wherever it is practical to do so on existing equipment. (p.64)

14. that automatic beepers, appropriate to the machine in question, be made mandatory on all new self-propelled farm equipment purchased after a date to be specified in legislation and that farmers be encouraged to equip machinery already in use with similar devices. (p.65)

15. that the Agency, or the organization selected under Recommendation 22, place a high priority on initiating a program with the tractor manufacturers to promote standardization of the colour, graphics, location and operation of the basic controls and the location and design of remote light plugs on all farm tractors sold in Ontario. (p.66)

16. that the Agency make every effort to ensure that the training of farmers and farm workers in machinery operation and maintenance is widely available, of high quality and heavily promoted among farmers. (p.71)

17. that the Agency in conjunction with commodity associations promote a voluntary audit program covering the safe installation,

maintenance and operation of mechanical equipment on Ontario farms and design a system of awards to encourage cooperation in the program. (p.71)

18. that it be mandatory for shields and guards supplied with farm machinery to be in place when the machinery is operating and that compliance with this requirement be monitored. (p.72)

19. that shielding and guarding devices (as recommended by an authority to be appointed by the Ontario government, Recommendation 22) be mandatory on new farm machinery purchased in Ontario after a date to be specified in legislation. (p.72)

20. that training in farm machinery maintenance be offered through the Colleges of Agricultural Technology and night classes in Secondary Schools; that it be heavily promoted among farmers, farm workers and farm equipment dealers; and that those who take the training be eligible for financial assistance normally available to persons taking skill upgrading courses. (p.75)

21. that high profile awareness measures be developed and continually used to maintain farmer and farm worker alertness to the safety risks associated with the maintenance and use of farm machinery. (p.76)

22. that an existing agency (the Ontario Centre of Farm Machinery and Food Processing Technology, or the Ontario Farm Machinery Board) be given responsiblity for keeping itself informed about experience with farm machinery in Ontario, establishing standards for machinery performance and influencing farm machinery design and construction. (p.77)

Chapter Four :

23. that a high profile information program warning farmers and farm workers about the characteristics of silo gas, the dangers inherent in exposure to it, and informing them of all necessary protective measures be a top priority of the Agency. (p.86)

24. that the Agency and commodity organizations representing farmers who use silos develop for these farmers a system of convenient access to reliable gas detection devices. (p.86)

25. that the Agency take responsibility for preparing and circulating to Ontario doctors information about the symptoms of dust-related diseases and the conditions in which dust-related diseases are likely to arise among farmers and farm workers. (p.90)

26. that the Agency explore problems of dust-related diseases among farmers and the availability and use of the appropriate protective equipment. (p.90)

27. that by March 31, 1988 all surface level manure lagoons and tanks on farms be enclosed by child-proof fencing at least four feet high, properly secured at the ground level and having self-closing gates and child-proof locks. (p.94)

28. that at least two metal ladders be installed in all open lagoon and tank type manure storage facilities. (p.94)

29. that to enable owners of existing unfenced manure lagoons and tanks to comply with Recommendations 27 and 28, the government provide financial assistance comparable to that already in place under the Soil Conservation and Environmental Protection Assistance Program for safeguarding new manure storage facilities. (p.94)

30. that the Agency and Ministry of Health:

    - develop means of assessing incidence of zoonotic diseases among farm people compared with the remainder of the population;

    - inform farmers and farm workers of the seriousness of health conditions that result from zoonotic diseases; and,

    - provide farmers and farm workers with information on how best to avoid contracting zoonotic diseases. (p.97)

31. that safety cages on exposed silo ladders be mandatory on new and reconstructed silos in Ontario from a date to be specified in legislation. (p.98)

32. that the Agency mount a program to encourage farmers to install safety cages on existing silo ladders that are not equipped with them. (p.98)

33. that the Ministry of Transportation and Communications in conjunction with the Agency prepare and issue explicit guidelines that will ensure consistent understanding and enforcement of the Highway Traffic Act and its regulations on the use of farm vehicles on public roads in Ontario. (p.102)

34. that there be a regular review of the relevance of the provisions of the Highway Traffic Act to farm vehicles every ten years and that the Agency be party to these reviews, the first of which should occur not later than 1987. (p.103)

Chapter Five

35. that the Agency develop and mount a program that will ensure farmer and farm worker awareness of the hazards associated with pesticides and of the need for vigilance in following protective measures. (p.112)

36. that the Agency take the lead in:

    - obtaining more precise information about the problems farmers experience in reading pesticide labels;

    - preparing a set of specific recommendations for improving the health and safety content of labels on pesticides used in Ontario;

- working out the necessary changes in labelling practices with the responsible provincial and federal authorities. (p.115)

37. that the pesticide container disposal method used in Ontario be puncturing, triple rinsing, incinerating and then disposal in an approved municipal land-fill site. (p.116)

38. that it be mandatory that farmers and farm workers observe as a minimum interval between the time of application of a pesticide and the time of next working on the crop, the greater of the re-entry period specified on the product label or that set out in the Ministry of Agriculture and Food Production Recommendations for the year and pesticide in question. (p.117)

39. that the testing of work protective equipment for use in Canada be undertaken by the appropriate Government of Canada agency. (p.117)

40. that a requirement be written into the Pesticides Act making it necessary for licensed vendors to carry, display and promote protective equipment appropriate to the pesticides they sell under schedules, 1, 2, 3, and 5 of the Ontario Classification of Pesticides. (p.118)

41. that the use of protective equipment as specified on pesticide labels be made mandatory when handling such products and that farmer observance of the regulation be monitored to a sufficient degree to ensure that it is widely practised. (p.118)

42. that health professionals be trained in the effects, diagnosis and treatment of pesticide exposure as part of the work they do to qualify for their profession; (p.119)

43. that health professionals be assured of immediate telephone access through the Poison Control Centres to treatment information on all pesticides registered in Canada and the Agency serve as a clearing house for correcting access problems. (p.119)

44. that the enforcement of the Pesticides Act be reviewed and strengthened to ensure that the farm health and safety aspects of the program are effectively handled. (p.120)

45. that the safety aspects of the distribution and application of anhydrous ammonia be studied by the Agency and, if required, appropriate controls be developed and implemented. (p.123)

46. that the Agency work with fertilizer suppliers and commodity groups to ensure that training on the properties, safe handling and emergency treatment of anhydrous ammonia exposure is available and promoted among farmers and farm workers. (p.123)

Chapter Six

47. that the Agency, in conjunction with others with expertise in skill assessment and health and safety protection, give priority to exploring the work proficiency of people doing farm work and the ways of correcting deficiencies, if any, revealed by the study. (p.129)

48. that at the time of hiring, conditions of employment be fully discussed between employer and employee with particular attention being given to work breaks. (p.136)

49. that it be mandatory that Ontario farmers ensure that adequate wash-up and toilet facilities are available with reasonable convenience to all workers on their properties and that the Agency and the local Medical Officer of Health ensure that this recommendation is observed. (p.137)

50. that the appropriate agencies mount education and awareness programs to ensure that farmers and farm workers are informed about the importance of careful observance of good sanitation practices in all aspects of pesticide use and contact. (p.138)

51. that where practical, a mechanism be developed to involve the farm worker in health and safety in the farm workplace. (p.140)

52. that the Agency devise suitable worker representation arrangements pertaining to occupational health and safety on farms, ensure that employers inform workers about them and monitor the adoption of them on individual farms. (p.141)

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